

ORDINANCE NO. 49-981 028001

AN ORDINANCE ADJUSTING MAXIMUM SPECIAL ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF PROPERTY LIABLE FOR SUCH SPECIAL ASSESSMENTS TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS (FAÇADE IMPROVEMENTS – 120 East 1st STREET IMPROVEMENT DISTRICT).

WHEREAS, pursuant to Resolution No. 12-260 (the “Resolution”), the City Council (the “Governing Body”) of the City of Wichita, Kansas (the “City”) has authorized, pursuant to K.S.A. 12-6a01 *et seq.* (the “Act”) the creation of an improvement district (the “Improvement District”) and the construction of the following improvements therein:

Mitigation of Asbestos and Lead Based Paint and Construction of improvements to area walls on public ways or land abutting thereto consisting of Façade Improvements at 120 East 1st Street, including 1st and Market Streets (the “Improvements”).

WHEREAS, pursuant to the Act and Ordinance No. 49-440 (the “Original Assessment Ordinance”), the Governing Body has levied special assessments against certain property in the City in connection with the Improvements at the maximum amount deemed necessary by the Governing Body to pay the cost of the Improvements; and

WHEREAS, *Section 1* of the Original Assessment Ordinance provides that if the final cost of the completed Improvements is less than the maximum amount of the assessments set forth in *Exhibit A* to the Original Assessment Ordinance, the Governing Body shall adjust the assessments to reflect the cost of the completed Improvements; and

WHEREAS, the Improvements have been completed and the final costs are less than the amount used to calculate the maximum special assessments levied in the Original Assessment Ordinance; and

WHEREAS, it is necessary to reduce the assessments levied in the Original Assessment Ordinance to an amount equal to the final cost of the Improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Assessment Adjustments. Pursuant to the Act and *Section 1* of the Original Assessment Ordinance, the special assessments to pay the costs of the Improvements are hereby adjusted based on the final cost of the Improvements and are levied in the amounts and assessed against the lots, pieces and parcels of land liable therefor as described in *Exhibit A* to this Ordinance, which is incorporated herein by reference. All other terms and provisions of the Original Assessment Ordinance shall remain in full force and effect.

Section 2. Notification. The City Clerk is hereby authorized and directed to: (a) mail a Notice of Adjusted Assessment to the owners of property assessed for the Improvements pursuant to the Original Assessment Ordinance; and (b) return to any property owners that prepaid the special assessments during the prepayment period authorized by the Original Assessment Ordinance, the difference between the assessment paid and the adjusted assessment amount set forth in this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the Governing Body and publication once in the official City newspaper. The City Clerk is directed to file this Ordinance with the Register of Deeds of Sedgwick County, Kansas.

PASSED by the City Council of the City on April 28, 2015 and **SIGNED** by the Mayor.

(SEAL)

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon Dickgrafe, Interim City Attorney

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Exhibit A

**(FAÇADE IMPROVEMENTS – 120 East 1st Street Improvement District
RESOLUTION NO. 12-260**

Description of Property	Amount of Maximum Assessment
ODD LOTS 49 TO 61 & S 8.37 FT LOT 63 & 2.46 FT SURPLUS MARKET ST. GREIFFENSTEIN'S ORIGINAL TOWN	
Pin #00099243	
Tax Key #A-00112	\$1,679,214.23